

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-4, 6-18, and 20) is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner rejected claims 1-4, 6-10 and 13-15 as being obvious over Baldwin et al. and has rejected claims 11, 12, 16-18 and 20 as being obvious over Baldwin et al. in view Harwin U.S. Patent No. 5,163,961. Likewise, the Examiner rejected these claims as being unpatentable over Getscher et al. U.S. Patent No. 3,824,995 in view of Barnes U.S. Patent No. 5,941,881 and with regard to claims 11, 12, 16-18 and 20 further in view of Getscher et al., Barnes and Harwin.

Applicants have again revised the claims in an attempt to define the structure shown in FIGS. 7 and 8 which is clearly not shown in the prior art. Applicants have claimed that a multiplicity of slits extend at intervals along the first portion or arm portion of the trochanteric attachment device with the slits spaced by bone contacting portions. The Applicants have claimed the multiplicity of outwardly extending sections which extend from a first side of each slit away from the bone contacting surface. Applicants have claimed that the securing means or securing element extends below the outwardly extending section and above a bone contacting section of the first portion on the second side of the slit.

None of the references cited by the Examiner shows a multiplicity of slits dividing the first portion into first and second sides with a first side extending outwardly from the bone and a second side adjacent the slit contacting bone. As can be seen in FIGS. 7 and 8 once the securing element runs through the split section and clamped it will force the second side of the slitted portion against the bone. The securing element will then contact the bone and under the outwardly extending sections

adjacent the first side of the slit and contact the second side which, in turn contacts the bone.

FIG. 10 of U.S. Patent No. 7,207,993 has no such structure. Likewise, Getscher nor Barnes nor Harwin show any structure which could reasonably be read on the claimed structure. Consequently, it is Applicants' position that none of the references cited teach or suggest the amended claims.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

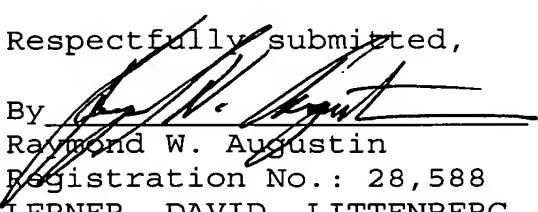
If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By


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